

# ***MDEStat Meeting September 6, 2011***



---

Robert Summers, Secretary

Sue Battle-McDonald, Stat Director

# **Table 1: Tentative Schedule for Development of Phase II WIP** *(continued on next slide)*

---

Jan/Feb	<ul style="list-style-type: none"> <li>• Form Local Team (will take some time)</li> <li>• Study background material (come up to speed on the issues)</li> </ul>
Feb/March	<ul style="list-style-type: none"> <li>• Start with:             <ul style="list-style-type: none"> <li>- Current Capacity (Info solicitation)</li> <li>- 2-Year Milestones, using current capacity information as a starting point.</li> <li>- Tracking &amp; Reporting</li> <li>- Accounting for Growth (State working group initiated)</li> </ul> </li> <li>• Begin writing the document (Current Capacity &amp; Tracking Sections)</li> </ul>
April	<ul style="list-style-type: none"> <li>• Current Capacity: Local Responses to Info Request</li> <li>• Tracking: Continue documenting existing systems</li> <li>• 2-Yr Milestone Guidance (tentative)</li> <li>• Initiate documentation of local Watershed Planning Frameworks: How do local watershed planning frameworks relate to the WIP?</li> <li>• Provide BMP Information to Local Teams for review</li> </ul>

# **Table 1: Tentative Schedule for Development of Phase II WIP** *(continued on next slide)*

May	<ul style="list-style-type: none"> <li>• Continue writing the document:             <ul style="list-style-type: none"> <li>- Current Capacity</li> <li>- Local Tracking &amp; Reporting</li> <li>- Watershed Planning Frameworks</li> </ul> </li> <li>• Document Preliminary 2013 Milestones</li> <li>• Land Use Comparisons</li> <li>• Introduce MAST for reduction scenario development: Discuss current BMP implementation and remaining opportunities.</li> <li>• Study Phase I WIP Strategies as Starting-point for Phase II</li> </ul>
June	<ul style="list-style-type: none"> <li>• Liaison Training June 8 (For June Team Meetings)             <ul style="list-style-type: none"> <li>- Current Capacity Documentation: Seek Closure</li> <li>- Tracking Documentation: Seek Closure</li> </ul> </li> <li>• Webinar - June 13:             <ul style="list-style-type: none"> <li>- Phase I WIP Strategy Review</li> <li>- MAST Training Agenda Overview</li> </ul> </li> <li>• WIP Stakeholder Advisory Committee Meeting – June 20</li> <li>• Federal Facilities Meeting - June 21</li> <li>• Liaison Conference Call – June 22</li> <li>• Liaison Training - June 29 (For July Team Meetings)             <ul style="list-style-type: none"> <li>- Strategy Development Issues &amp; Guidelines</li> <li>- 2013 Milestones: Provide State Guidance</li> </ul> </li> </ul> <p>EPA Allocations to States - June 30</p>
July	<ul style="list-style-type: none"> <li>• State Comments on EPA Allocations Due July 7</li> <li>• Bay Workgroup – July 7</li> <li>• Webinar – July 14: Rural Jurisdiction Issues</li> <li>• EPA Provides Final Allocations to States - July 15</li> <li>• Webinar – July 19: MAST Training Preliminary Material</li> <li>• MAST Trainings: July 12 (State staff), 26, 28</li> <li>• Liaison Conference Call – July 20</li> <li>• MDE processes allocations for Bay Workgroup (Jul 15-29)</li> </ul>

# **Table 1: Tentative Schedule for Development of Phase II WIP** *(continued on next slide)*

August	<ul style="list-style-type: none"> <li>• Bay Workgroup/Cabinet Finalize Numbers for Locals (Aug 1-5)</li> <li>• Finalize Allocations for Local Teams (Aug 8-15)</li> <li>• Webinar - TBD</li> <li>• Liaison Training - TBD</li> <li>• Liaison Conference Call - TBD</li> <li>• WIP 2017 Input Deck to EPA (Aug 22)</li> <li>• WIP 2020 Input Deck to EPA (Aug 28)</li> </ul>
Sept	<ul style="list-style-type: none"> <li>• Webinar - TBD</li> <li>• Liaison Training - TBD</li> <li>• Liaison Conference Call – TBD</li> <li>• Regional Workshops – After Labor Day</li> <li>• Draft State WIP 2017 Input Deck to EPA (Sept 12) – If needed</li> <li>• Draft State WIP 2020 Input Deck to EPA (Sept 19) – If needed</li> <li>• Draft Local 2012-2013 Milestones Due to State (Sept 30)</li> </ul>
Oct	<ul style="list-style-type: none"> <li>• Webinar - TBD</li> <li>• Liaison Training - TBD</li> <li>• Liaison Conference Call – TBD</li> <li>• Draft 2012 – 2012 Local Milestone Input Deck to EPA (Oct 11)</li> <li>• Draft Local WIP Input Decks due to State (Oct 24)</li> </ul>



# **Table 1: Tentative Schedule for Development of Phase II WIP**

Nov	<ul style="list-style-type: none"> <li>• Preliminary 2012-13 Milestone Input Deck to EPA (Nov. 1)</li> <li>• THE FOLLOWING IS SUBJECT TO CHANGE</li> <li>• Process Local Team Input Decks (Nov 1-8)</li> <li>• Submit Final Local Team Model Runs (Nov 8)</li> <li>• Receive Model Runs &amp; Finalize WIP for Sr. Review (Nov.14-16)</li> <li>• Sr. Sign-off on EPA Review WIP (Nov 17-23)</li> <li>• Eat Turkey &amp; Stuffing (Nov. 24-25)</li> <li>• Finalize WIP (Nov. 28-30)</li> </ul>
Dec 2011	<ul style="list-style-type: none"> <li>• Submit pre-public review Draft WIP to EPA Dec. 1</li> <li>• Solicit EPA Preliminary Comments</li> <li>• Finalize Model Runs</li> <li>• Finalize WIP for Review by Officials</li> </ul>
Jan 2012	<ul style="list-style-type: none"> <li>• Sr. Sign-off on Public Review WIP</li> <li>• Post Public Review WIP to Web</li> <li>• Start Public Review Jan. 15</li> <li>• Receive EPA Comments Jan. 31</li> </ul>
Feb	<ul style="list-style-type: none"> <li>• End Public Review Feb. 15</li> <li>• Address EPA and Public Comments</li> <li>• Conduct Final Model Runs if Necessary</li> </ul>
March	<ul style="list-style-type: none"> <li>• Finalize WIP Document</li> <li>• Sr. Sign-off on Final WIP</li> <li>• Final WIP to EPA - March 30</li> <li>• Submit WIP to EPA</li> </ul>

## ***Table 2: Shellfish Harvest Waters Sampling***

<b>2009</b>	<b>Actual Sampled</b>	<b>Required Sampled</b>	<b>Percent</b>
Approved	4196	2292	183%
Conditional	997	1080	92%
Restricted	2406	5208	46%
Total	7599	8580	89%
<b>2010</b>	<b>Actual Sampled</b>	<b>Required Sampled</b>	<b>Percent</b>
Approved	3662	2292	160%
Conditional	873	1080	81%
Restricted	2107	5208	40%
Total	6642	8580	77%

# Table 3: Areas That Changed Status

(Continued on next slide)

Effective Date 2010	River	Approved	Condi-tional	Restricted	N.O.B	Private Lease	Aquacultur e
Feb. 15	St. Clements Bay - (R to A)	605			13	5	
April 1	- Chincoteague (A to SC)		363			5.88	5.88
May 3	Broad Creek (A to R)			412	75	49	
May 3	(A to R)			77	61	5	
May 3	Edge Creek (A to R)			277	0.2		
Aug. 9	Island Creek (R to A)	63					
Aug. 9	Wells Cove (A to R)			18		0.01	
Dec. 20	Greenwood Creek (C to R)			298			
Dec. 20	Little Choptank (C to R)			640		53	
<b>Totals</b>		668	363	1722	149.2	117.89	5.88

# Table 3: Areas That Changed Status

Effective Date 2011	River	2011					
		Approved	Condi-tional	Restricted	N.O.B	Private Lease	Aquacultur e
Jan. 12	St. Thomas Creek & Pearson Creek - (R to P)						
May 30	, , and Hunting Creek (R to A)	565.4					
*Proposed - Aug	(C & R to A)						
*Proposed - Aug	St. Mary's River (C & R to A)						
<b>Totals</b>		565.4	0	0	0	0.00	0

*R = Restricted*

*A = Approved*

*SC = Seasonally Conditionally Approved*

*C = Conditionally Approved*

*EC = Emergency Closure*

*P = Prohibited*

*\* Note: We have not yet received acreage numbers from DNR*

## Table 4: 319(h) Grants Summary

<i>Summary of Anticipated FFY2011 319(h) Grant Application (1)</i>		
	Preliminary (per EPA R3 6/23/11)	Final Application (per EPA R3 7/26/11)
allocation (as revised by EPA HQ 5/18/11)	\$2,237,000	\$2,237,000
Supplement Funds (to host EPA R3 annual meeting)	\$15,000	\$15,000
EPA Region 3 distribution of unobligated/carryover funds	\$90,400	\$31,639
<b>TOTAL Federal 319(h) Grant</b>	<b>\$2,342,400</b>	<b>\$2,283,639</b>
<p>(1) EPA Region 3 approved MDE's request to preserve existing 319(h) FFY2011 Base Grant-funded FTEs. Within the FFY2011 grant, this increased the Base Grant allocation, which is primarily used to fund NPS program staff, up to \$1,193,208.</p>		

# Table 4: 319(h) Grants Summary

(Continued on next slide)

Grant Year	Grant Period (start date to end date)	TOTAL Federal Funds	Total Expenditures As of 6/30/11	Encumbrances Note: total expenditures reported includes encumbrances below	Amount NOT Encumbered	Amount Not Expended (SSA)	Amount Not Expended (MDEStat)
FFY 2010	7/1/10 to 9/30/13	\$2,575,000	\$641,954.01	\$989,986.48	\$943,059.51	\$943,059.51	\$1,933,045.99
FFY 2009	7/1/09 to 6/30/13	\$2,575,782	\$1,480,923.35	\$299,778.96	\$795,079.69	\$795,079.69	\$1,094,858.65
FFY 2008	7/1/08 to 9/30/12	\$2,653,500	\$2,102,774.72	\$128,351.11	\$422,374.17	\$422,374.17	\$550,725.28
FFY 2007	7/1/07 to 9/30/11	\$2,598,601	\$2,188,114.89	\$131,425.80	\$279,060.31	\$279,060.31	\$410,486.11
<b>TOTAL</b>		\$10,402,883	\$6,413,766.97	\$1,549,542.35	\$2,439,573.68	\$2,439,573.68	\$3,989,116.03

Note: Target timeframe for expending each grant year's funds is the grant end date in column two.

## ***Table 5: Permits/Approval That Have Undergone Or Are Undergoing An Antidegradation Review***

---

<b>Permit/Approval</b>	<b>Total Received</b>	<b>Open</b>	<b>Closed</b>	<b>Monitoring</b>
NonTidal Wetlands and Waterways	121	32	89	8
Water and Sewer Plan Amendments	55	12	43	-
Industrial Discharges	2	1	1	1
Mining	12	1	11	1 (+1 pending)
Toxic Materials	5	0	5	1

## **Table 6: Antidegradation Reviews Open for More Than One Year**

Permits Open for More than One Year					
Group	Project ID	Common Name	Open Date	Days Open	Reason Open
NTW&W	2005060531	CCC ( Connector)	10/1/08	1058	Engineering issues (Waterways), Tier II, Potential RTE issues
MIN_NC	UNKNOWN	Piney Reach Bus Park CPV(solar)	12/10/09	623	Habitat Plan not approved (by DNR)
NTW&W	200960462	PEPCO Util. Line	6/16/10	435	Project was already past 1 year mark b/f Tier II became an issue
NTW&W	201060743	W. Pkwy III, phase I	6/22/10	429	Application is considered incomplete-project scope has changed
NTW&W	201060785	HA DPW/ Brige#63	6/24/10	427	Applicant has not responded to NTW informaton requests.
NTW&W	201060862	Howlin oaks Development Community	8/10/10	380	RTE, wetlands of special state concern, Tier II, engineering/waterways, incomplete application.
NTW&W	201061114	Bear Cabin Branch	8/18/10	372	Applicant has not responded to NTW informaton requests.
NTW&W	201061182	Falling Branch culvert	8/26/10	364	Applicant has not responded to NTW informaton requests. NTW is about to close out (i.e. cancel) application.

# **Table 7: Category 5 Listings that may not meet MOU Timeline (10)** *(continued on next slide)*

Basin Name	Impairment	Current Status/Actions
Atkisson Reservoir	Nutrients and Sediments (2)	<p>Previous report: EPA has located funding for this project. Since the RFP process had started and had to be stopped based on funding, the contract process is further along and EPA is preparing to award the contract. Given the timing, it is still not likely to meet the 9/30 deadline but a schedule could be developed.</p> <p><b>UPDATE as of 8/18/2011: EPA Region III is anticipating that the contract will be approved by the office the week of August 15.</b></p>
Aberdeen Proving Ground	Toxics (1)	<p>Previous report: EPA has located funding for this project. EPA is meeting with MDE to prepare a scope of work for a new contract to be submitted by . The contract will fund a monitoring effort to identify specific toxicants impairing the tidal waters of APG in order to refine the Toxics listing for TMDL development. Given the timing and volume of work needed, it is not likely to meet the 9/30 deadline.</p> <p><b>UPDATE as of 8/18/2011: Conference call on 8/4/11 with MDE/EPA/Tetrattech to discuss the monitoring plan and provide guidance and clarification to the contractor. Also, EPA talked to APG staff regarding access to the area. An escort will be required for areas where there could be unexploded ordnance in the monitoring area.</b></p>
Bodkin Creek	Copper (1)	<p>EPA plans to complete draft saltwater Cu BLM criterion in Summer 2011. MDE plans to conduct monitoring survey Summer 2011 to reassess listing based on new criterion.</p> <p><b>UPDATE as of 8/18/2011: EPA does not have a timeframe associated with the release of guidance on the saltwater copper BLM criterion. The monitoring survey for Bodkin Creek will be delayed until this information becomes available.</b></p>

# **Table 7: Category 5 Listings that may not meet MOU Timeline (10)** *(Continued on next slide)*

<b>Basin Name</b>	<b>Impairment</b>	<b>Current Status/Actions</b>
Baltimore Harbor	Metals (2) (zinc) (zinc)	<p>Work on state-wide sediment quality criteria development has not moved forward as the technical advisory committee was unable to come to an agreement on applying existing sediment quality guidelines as numeric criteria. Work continues on development of clam sediment toxicity test.</p> <p><b>UPDATE as of 8/18/2011: No updates to be made at this time</b></p>
Upper Pocomoke River (UPR)	Nutrients (1)	<p>Previous Report: Original plans for the development of this TMDL had changed after data analysis and results from an empirical WQ model suggested that the low DO in the mainstem of the Upper Pocomoke River is not caused by nutrients over enrichment but by excess organic carbon input to the stream. However, the same can't be confirmed for the tributaries (1st to 4th order streams) of the UPR. Original model segmentation did not include tributaries of the , therefore, further and more detailed modeling of the smaller tributaries is necessary to complete the phosphorus TMDL in these tributaries. A WQA for nutrients (phosphorus) has been developed only for the mainstem of the River. The WQA report is under SSA internal review and is expected to be submitted to EPA in September 2011. Before September 2011, MDE will send a letter to EPA, explaining that the TMDL for the UPR will not be submitted complete, it will be a partial submittal, MDE will submit only the WQA for Phosphorus for the mainstem of the River.</p> <p><b>UPDATE as of 8/18/2011: The WQA for the mainstem that was schedule for September 2011 submittal will be held and will be submitted together with the TMDL or WQA for the tributaries that is expected to be developed and finished to be submitted in 2012.</b></p>

# **Table 7: Category 5 Listings that may not meet MOU Timeline (10)**

Basin Name	Impairment	Current Status/Actions
Upper Pocomoke River	Sediment (1)	<p>Previous report: Reference watershed: Reference watershed analysis shows that Upper Pocomoke has a lower forest normalized sediment load than reference watershed on the . However, it is uncertain is the reference watersheds are compatible with . USGS Cluster analysis (, 2000) was reviewed. No reference watersheds exist in the “cluster” that includes .</p> <p>threshold: A number of articles regarding the relationship of and aquatic life were reviewed. Most articles were fairly narrow in scope (i.e. geographical area of study, biological species) and were not applicable to the . For those areas that have established suspended sediment criteria, there is a wide range of values (30 – 150 mg/L). Several of the articles also cited a lack of data as an obstacle to determining limits.</p> <p><b>UPDATE as of 8/18/2011: No updates to be made at this time.</b></p>
Susquehanna River/Conowingo Dam	Nutrients/ Sediments (2)	<p>Previous report: WQAs for both nutrients (phosphorus) and sediments have been developed and are currently under SSA internal review. They are expected to be submitted to EPA before September 30th 2011.</p> <p><b>UPDATE as of 8/18/2011: Public comment period will begin August 24 and end on September 22, 2011.</b></p>
Catoctin Creek	Nutrients (1)	<p><b>TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</b></p>

## **Table 7: Category 5 Listings that may not meet MOU Timeline (10)**

<b>Basin Name</b>	<b>Impairment</b>	<b>Current Status/Actions</b>
Antietam Creek	Nutrients (1)	TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.
Double Pipe Creek	Nutrients (1)	TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.
Lower Monocacy River	Nutrients (1)	TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.
Upper Monocacy River	Nutrients (1)	TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.
Rock Creek	Nutrients (1)	TMDLs have been developed for this watershed fulfilling the ARRA grant requirement. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.
MD Coastal Bays	Nutrients (4 MOU – 14 2010 IR listings)	Calibration is complete. Geographic isolation scenarios are underway and results are anticipated for the end of August. The submittal date for EPA review and approval for this project is estimated as December 2011 with public review in November 2011.

**Table 8: TMDL/WQA Projects Submitted but Require Additional Action (i.e., follow up action required, not approved) (8)**

Basin Name	Impairment	Current Status/Actions
Baltimore Harbor	Metals (5) NW Branch (Cr) NW Branch (Pb) NW Branch (Zn) Bear Creek (Cr) Bear Creek (Zn)	Wait for results from sediment spiking study.
Baltimore Harbor Deep Channel	Nutrients (2)	Bay TMDL shows attainment in Deep Channel and will replace existing Nutrient TMDL(s) Existing TMDL evaluation report in internal review
Edgewater Village Lake	Nutrients (1)	Identify SSA workgroup to determine UAA process Per previous MDEStat meeting it was agreed that there were higher priorities given current workload. Consequently, at this point in time, no further action is planned.

***Table 9: SSA Vacancies With Approved Exceptions OR With Exception Request Recently Submitted by OBF Based on New Vacancy Prioritization***

---

PIN	Vacancy Date	DBM approval rcvd? Y/N	MS22 ready? Y/N	Questions ready? Y/N	Overdue for Action by Admin? Y/N – if yes please explain
073051	12/01/10	Y	Y	Y	N
081062	01/31/11	Y	Y	Y	N

# Table 10: SSA PEP Submissions

---

Program	<i>PEPs Due December 2010</i>		<i>PEPs Due June 2011</i>	
	Completed	Overdue	Completed	Overdue
EA&SP	100% Complete	0	100% Complete	0
FSP	100% Complete	0	100% Complete	0
TMDL TDP	100% Complete	0	100% Complete	0
WQP&RP	100% Complete	0	100% Complete	0
OS&AP	100% Complete	0	100% Complete	0